

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

SECTION I – COVER PAGE

Name of County: Holt County

Years: January 1, 2009 – December 31, 2011

Person Completing Plan:

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SECTION II – COMMUNITY TEAM

Description of Team:

The team meets quarterly and as needed to hear grant presentations and has been meeting since 2002. The team consists of stakeholders in the community from probation, law enforcement, health department, county court, county government and the general community. The team has a chairperson and a secretary. The following team members are currently on the team:

Robert Young, Chairperson

County Supervisor

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HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

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HOL T COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

Section III – COMMUNITY PLANNING DECISION POINT ANALYSIS

Sources:

*2000 U.S. Census Data

**2004 OJJDP website 2004 DMC Federal Reports (Ages 10-17)

System Decision Point: Arrest/Citation: Police/Law Enforcement

Decision: *Whether an information report should be filed, or what offense, if any, with which juvenile should be cited or arrested*

Formal Determining Factors

- Sufficient factual basis to believe offense committed
- Underlying support for a particular offense

Informal Determining Factors

- Officer's patience with juvenile
- Youth's prior incidences with law enforcement
- Youth and/or youths' families perceived status in community
- If youth is a "sports figure" in the area, the expectation is that youth will be handled by school officials rather than law enforcement

Decision: *Whether to cite or arrest juvenile for juvenile or adult offense*

Formal Determining Factors

- Seriousness of offense
- Age

Informal Determining Factors

- Reports are completed by law enforcement and subsequently turned over to the county attorney for review and decision of charges

Decision: *Whether to take juvenile into custody or to cite and release (NRS § 43-248(1), (2); § 43-250(1), (2), (3))*

Formal Determining Factors

- As stated in statute

Informal Determining Factors

- Immediate risk to juvenile
- Immediate/short term risk to public
- Seriousness of perceived offense
- Extent to which parent or other responsible adult available to take responsibility for juvenile

Problem: Due to lack of custodial options besides placement with another guardian in the area, cite and release is the common practice.

Solution: During the discussions with the director of the Madison County detention center, it was advised they have a transportation company on contract that will transport juveniles from any location to the detention

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

facility for a nominal price.

Comments:

According to statistics from the Crime Commission, in 2004 there were 80 juvenile arrests in Holt County. It is believed the age of when a juvenile is getting arrested is getting younger. Law enforcement does not have a universal way of documenting contacts and subsequent arrests in one data base system; therefore it is difficult to analyze this data. One of the major problems in this area is how the "sports kids" are viewed and further handled by specifically the school system. If a juvenile is contacted by law enforcement with a subsequent citation and this juvenile is a stand out athlete in the school, it is often pushed that it would be handled by the school so there are no further consequences.

System Decision Point: Initial Detention: State of Nebraska Probation

Decision: Whether juvenile should be detained or released

Formal Determining Factors

- Risk assessment outcome
- Accessibility of placement options: Parents/guardians, emergency shelter, staff secure facility, secure detention facility

Informal Determining Factors

- Madison County detention center is 2 hours away from communities in Holt County
- There are no shelter or other placement options available to probation in the community

Comments:

According to Mike Applegate, director of Madison County detention center, Holt County detained 11 juveniles (3 secure and 8 staff secure). The detention center is 2 hours away from Holt County which is often difficult for law enforcement to take one deputy off the streets for transportation. This problem may be rectified by the fact, Mr. Applegate provided a contracted agency to do transportation for minimal cost to the county.

System Decision Point: Charge Juvenile: County Attorney

Decision: Whether to prosecute juvenile

Formal Determining Factors

- Likelihood of successful prosecution
- Factors under NRS § 43-276

Informal Determining Factors

- No formal diversion program is in place or will not be under the current county attorney
- Truancy referrals have decreased

Decision: Whether youth should be prosecuted as juvenile or adult

Formal Determining Factors

- Seriousness of offense
- Specific age of juvenile

Informal Determining Factors

- If 16 years of age and under will usually file juvenile, if over 17 years old will

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

file adult which makes the juvenile
request a transfer

Decision: *Offense for which juvenile should be charged*

Formal Determining Factors

-As stated in statute

Informal Determining Factors

- No factors reported

Comments:

Statistics from the Crime Commission indicate 61 cases were prosecuted in Holt County. Holt County does not have a formal diversion program. Truancy cases are on the rise in Holt County. If the County Attorney gets a referral from a school, he is filing the charge. The subsequent court hearings may have different results as far as referrals to either probation or HHS.

System Decision Point: Pre-adjudication detention: Juvenile Court Judge

Decision: *Whether juvenile detained at the time of citation/arrest should continue in detention or out-of-home placement pending adjudication*

Formal Determining Factors

- Whether there is an "immediate and urgent necessity for the protection of such juvenile"
- Whether there is an "immediate and urgent necessity for the protection of . . .the person or property of another"
- Whether the juvenile is likely to flee the jurisdiction of the court

Informal Determining Factors

- Due to the high costs associated with detention placement, the judge will usually release the juvenile at the detention.
- Ties to the community

Comments:

The average stay at the Madison County detention center for juveniles from Holt County is 6.6 days. With an overall average of 15 days, Holt County keeps the juveniles detained for a lesser period of time.

System Decision Point: Probable Cause Hearing: Juvenile Court Judge

Decision: *Whether State can show that probable cause exists that juvenile is within the jurisdiction of the court*

Formal Determining Factors

- As stated in statute

Informal Determining Factors

- No factors reported

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

Comments:

No comments for this section

System Decision Point: Competency Evaluation: Juvenile Court Judge

Decision: *Whether juvenile is competent to participate in the proceedings*

Formal Determining Factors

- As stated in statute

Informal Determining Factors

- Holt County does not have any in county facility for EPC situations with a juvenile.
- Juveniles' evaluations

Decision: *Whether juvenile is "responsible" for his/her acts*

Formal Determining Factors

- "Complete evaluation of the juvenile including any authorized area of inquiry requested by the court."
- Opinion of physician, surgeon, psychiatrist, community mental health program, psychologist

Informal Determining Factors

Comments:

No comments for this section.

System Decision Point: Adjudication: Juvenile Court Judge

Decision: *Whether the juvenile is, beyond a reasonable doubt, "a person described by § 43-247"*

Formal Determining Factors

- Legal sufficiency of evidence presented during adjudication hearing
- Whether juvenile admits the allegations of the petition (or, "pleads to the charges")
- Residency
- Age

Informal Determining Factors

- No factors reported

Decision: *Whether to order probation to conduct a pre-disposition investigation (statutory authority unclear--see also: § 29-2261 (2))*

Formal Determining Factors

Informal Determining Factors

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

- Depending on the situation of the juvenile is whether or not the judge orders a PDI, but will usually do a PDI for informational and subsequent issues

Decision: *Whether to order OJS evaluation*

Formal Determining Factors

- NRS § 29-2204 (3): "Prior to making a disposition which commits the juvenile to the Office of Juvenile Services, the court shall order the juvenile to be evaluated by the office if the juvenile has not had an evaluation within the past twelve months.

Informal Determining Factors

- Will order if need psychological or education specific information

Decision: *Whether to order a PDI and an OJS Evaluation*

Formal Determining Factors

Informal Determining Factors

- PDI first and then an OJS evaluation

Problem: Evaluations are being sent back from Magellan if Magellan does not agree with recommendations

Solution: Needs to be addressed with OJS administration

Comments:

According to statistics from the Crime Commission, there were 58 adjudications in 2004. Juvenile Court is typically held on Tuesdays in Holt County. All juvenile court proceedings except detention hearings are held on one day because the judge travels to other counties.

System Decision Point: Disposition: Juvenile Court Judge

Decision: *Whether to place juvenile on probation*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Judge is using probation as the first sanction

Decision: *Whether to commit juvenile to the Office of Juvenile Services*

Formal Determining Factors

- Whether juvenile is at least twelve years of age

Informal Determining Factors

- Judge will try ISP before an OJS placement
- If Judge places with OJS and a previous

HOL T COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

evaluation was completed, the judge accepts most OJS evaluations

Decision: *Whether to place juvenile on probation and commit juvenile to HHS or OJS*

Formal Determining Factors

- As outlined in statute
- No apparent authority for delinquent in the legal custody of parents/guardian

Informal Determining Factors

- Whoever is able to provide the better service will receive the case
- Judge is willing to do dual supervision cases between probation and Health and Human Services
- There is a good working relationship between probation and HHS

Comments:

Despite there being 58 adjudications in 2004, only 6 juveniles were placed on probation. Many of the juveniles are being ordered to complete community service instead of being placed on probation or placed with OJS or DHHS. With the limited resources probation has to assist a juvenile, the court is forced to place a juvenile with other agencies for supervision because of the financial resources available through those respective agencies.

System Decision Point: Administrative Sanctions: Probation

Decision: *Whether to impose administrative sanctions on a probationer*

Formal Determining Factors

- Probation officers has reasonable cause to believe probationer has committed or is about to commit a substance abuse violation or a non criminal violation
- Substance abuse violation refers to a positive test for drug or alcohol use, failure to report for such a test or failure to comply with substance abuse evaluations or treatment

Informal Determining Factors

- Probation is using for juvenile cases

Problem: Due to no supervisor being in the area, the administrative sanction form has to be faxed and returned before the sanction can be implemented

Solution: Probation supervisor allows the sanctions to be signed off by supervising officer due to a rural exception like clause.

HOL T COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

Comments:

No comments for this section.

System Decision Point: Motion To Revoke Probation: County Attorney

Decision: *Whether to file a motion to revoke probation*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- When a motion to revoke is filed and it is due to a new case, there is a new petition that is filed on the new case

Comments:

No comments for this section.

System Decision Point: Modification/Revocation of Probation: Juvenile Court Judge

Decision: *Whether to modify or revoke probation*

Formal Determining Factors

- As outlined in statute

Informal Determining Factors

- Judge imposes a continuum of sanctions when there is a modification or revocation to be considered

Comments: No comments for this section.

System Decision Point: Setting Aside Adjudication: Juvenile Court Judge

Decision: *Whether juvenile has satisfactorily completed his or her probation and supervision or the treatment program of his or her commitment*

Formal Determining Factors

- Juvenile's post-adjudication behavior and response to treatment and rehabilitation programs
- Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for the law
- Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based

Informal Determining Factors

- Judge sets probation orders termination until age of majority
- Probation will not submit release until at least a year on probation
- Does not do unsatisfactory discharges- uses either graduated sanction or revocation

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

Decision: *Whether juvenile should be discharged from custody and supervision of OJS*

Formal Determining Factors

- Presumably same as those for probation

Informal Determining Factors

- OJS will usually consult with the court about discharges

Problem: OJS admits they are deficient in notifying certain collateral agencies when a juvenile is discharged

Solution: OJS would like to improve their policy as to include notifications to schools and other agencies (i.e. psychologists, psychiatrists)

Comments:

No comments for this section.

SECTION IV – COMMUNITY SOCIO-ECONOMICS:

Holt County is located in North Central Nebraska, near the eastern end of the Sandhills Region. Holt County has an elevation of 1,400 feet along the Niobrara River in the northeast corner of the county, and increases to 2,400 feet in the southwest. Holt County stretches 40 miles from east to west, and 37 miles from north to south. The boundaries for Holt County were set on January 9, 1862. The population of Holt County is 11,551 according to the 2000 census.

The economy includes ranching, cattle feeding, livestock marketing, hay production, irrigated and dryland crops, retail and wholesale businesses, government services, and manufacturing. There are approximately 1,220 farms and ranches in Holt County.

Holt County is divided into 37 townships. The county is governed by seven supervisors, each elected by popular vote for a four year term. O'Neill is the county seat.

Holt County was named in honor of Joseph Holt of Kentucky, who was a member of President Buchanan's Cabinet, being Postmaster General and Secretary of War. Later, he was Judge-Advocate of the Army under President Lincoln.

The first settler was William Inman in July 1871. In 1885, the first courthouse was erected at a cost of \$20,000. A new building was erected and finished in 1935, with a sizeable addition added in 2004. Fifty-nine post offices and towns existed at one time in Holt County. Nine towns are still in existence today. The towns are Amelia, Emmet, O'Neill, Atkinson, Ewing, Page, Chambers, Inman and Stuart. Schools are located in O'Neill, Atkinson, Ewing, Page, Chambers and Stuart.

The Non-Wage and Salary Employment by Major Economic Sector provided by the Nebraska Department of Labor 2007: Manufacturing 4.9%; Natural Resources and Construction 2.8%; Trade 25.8%; Transportation, Warehousing and Utilities 2.8%; Information 1.5%; Financial 4.8%; Professional and Business Services 3.1%; Education and Health Services 19 %; Other except public 3.1% and Government 22%.

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

In 2006, 93% of the population that live in Holt County work in Holt County. In 2006, 26.2% of the population are age 0-19. Ninety-eight percent (98%) of the population is white.

SECTION V – IDENTIFIED PRIORITY AREAS

(1) Limited organized activities were shown in our previous comprehensive plan as a concern and remain a concern at this time. Current efforts are underway to provide service-learning opportunities to Holt County juveniles. The YAR (Youth As Resources) Service-learning program was created to address this gap. During the first year of the program, \$935 was awarded to area youth for a total of 5 service-learning projects which encompassed 54 youth and 209 hours. During the last fiscal year (2007-2008), 83 youth participated in five service-learning projects which encompassed 239 hours.

Aside from the YAR project, Holt County has other activities outside of the school system for juveniles to be involved in. This includes Big Pal/Little Pal program in O'Neill and Atkinson with a total of 27 matches. O'Neill also has baseball, softball, basketball, volleyball, 4-H, girl scouts and boy scouts. Stuart has soccer, basketball, girl scouts and 4-H. Atkinson has baseball, basketball, volleyball, softball, girl scouts and 4-H. Chambers has girl scouts and 4-H. Ewing has girl scouts and 4-H.

Other established school activities in the Holt County schools that students are involved in are girls/boys golf, cross country, girls/boys basketball, volleyball, football, track, student council, honor society, FFA, FCCLA, One Acts, Speech Team, wrestling, band, chorus and softball. Many Holt County students are in several, if not many activities. They are very busy with sports practices, events and other organizations and meetings.

(2) Holt County identified the need for unified management of court ordered community service hours in our previous comprehensive plan. This gap in the system has been filled through the past three years by employing a Community Service Coordinator. The Coordinator provides a structured system to hold juveniles accountable for their actions and be a deterrent for future delinquency. Since December 2003 the community service coordinator has reported that youth were ordered to complete 6810 hours of community service with only 6100 hours being completed by youth. Failure to complete the hours was due to juveniles moving, breaking the terms of their probation, or juvenile deciding to pay fines in lieu of completing community service hours..

(3) To impact school connectivity, a recommendation to provide mentoring was made that arose through the Community Planning Decision Point Analysis. This area will be addressed in the community utilizing TeamMates. The TeamMates mentoring program began in January 2006 O'Neill Public Schools. The schools provide in-kind services of copies and supplies. The TeamMates program is governed by a board of directors and employs a part-time coordinator. The Juvenile Services Team provided \$1,700 towards salary for the coordinator in 2007. Although the program is only currently in the O'Neill Public Schools, the program is available in Holt County for all K-12 grades in public and private schools. During the 2007/2008 school year, there were 8 children served by a mentor in grades 6, 7 and 8. Currently, there are 8 children with a mentor. There are 5 mentors awaiting a mentee. The O'Neill Public Schools staff will be referring more students to the program this school year. The Coordinator is aggressively encouraging all schools in Holt County by having visits with each school's administration.

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

- (4) To impact the use of illegal substances by juveniles. The results of the 2005 Youth Risk Behavior Survey (YRBS) of Nebraska Public High School Students (grades 9-12) has some significant highlights:
- a. 36% rode with a driver who had been drinking alcohol during the past 30 days
 - b. 17% drove a motor vehicle after drinking alcohol during the past 30 days
 - c. 22% smoked cigarettes during the past 30 days
 - d. 53% have smoked cigarettes during their lifetime
 - e. 18% have used marijuana during the past 30 days
 - f. 73% drank alcohol during their lifetime
 - g. 30% had five or more drinks in a row during the past 30 days
- (5) The Nebraska Risk and Protective Factor Student Survey from 2007 which is detailed for the North Central District Health Department shows some correlations from the YRBS. The North Central District Health Department is comprised of nine counties in north central Nebraska. This survey was presented to students in grades 6, 8, 10, and 12. This survey contains information about alcohol, tobacco, and other drug use and problem behaviors of students. Schools from Holt County that participated in the survey include: Ewing Elementary and Ewing High School, O'Neill Alternative, O'Neill Elementary School, and O'Neill High School, and St. Mary's Elementary and St. Mary's High School. The percentage of students who obtained alcohol and cigarettes from specific sources and the percentage that used them in specific places in the years 2003 and 2007 are shown for each grade.

	2003	2007
6 th grade		
alcohol	30%	28%
cigarettes	24%	6%
chewing tobacco	12%	4%
marijuana	4%	1%
inhalants	18%	6%
8 th grade		
alcohol	52%	34%
cigarettes	36%	8%
chewing tobacco	18%	8%
marijuana	8%	2%
inhalants	18%	6%
10 th grade		
alcohol	64%	58%
cigarettes	45%	25%
chewing tobacco	24%	20%
marijuana	15%	14%
inhalants	6%	6%
12 th grade		
alcohol	82%	78%
cigarettes	59%	34%
chewing tobacco	42%	28%
marijuana	24%	16%
inhalants	10%	8%

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

The North Central Community Care Partnership (NCCCP) is composed of representatives from the nine counties in Nebraska that make up the North Central District Health Department (NCDHD). There is an active underage drinking coalition from the NCCCP that has had activities in Holt County. The grant manager for Juvenile Services is a member of the underage drinking coalition team. A Town Hall meeting was held in March, 2008. NCDHD applied for a SPF SIG grant, also focusing on substance abuse. Some goals of the Under-age drinking Coalition are:

1. reduce the number of underage youth drinking
2. empower youth not to drink
3. increase cooperation among parents, schools, and the legal system
4. increase number of liquor retailers who provide training and education to staff
5. decrease number of youth riding with someone who is drinking or driving with drinking
6. creating a social force of community members, involving professionals

The Under-Age Drinking Coalition has addressed points of intervention and developed a model of change. The model of change includes:

What do we seek to change?

What do we already know?

What resources are available to us?

What activities do we want to do?

What are our expected outcomes: short term, intermediate and long-term?

How will we know that the desired results were achieved?

What is a feasible time frame for change?

SECTION V - STRATEGIES

Priority 1: Limited Organized Activities

The County will continue the YAR KISS Club program with the YAR Coordinator position funded by county aid funding. This program was implemented in the spring of 2006. This is a 520 hour per year position. This strategy is offered to the youth with many options to choose from. Youth can join after school clubs, summer clubs, or build a club of their own in the community. These clubs are a service-learning program. Youth identify a social issue; decide how to address it; design a project and write a grant proposal with a budget; present the proposal to the YAR board; if the YAR board approves their project for funding, the youth implement the project and account for the progress and budget; and after completion of the project, the youth celebrate their accomplishments. This service-learning model engages the youth in learning life-skills; connects them to their community and gives the youth a sense of value and accomplishment. Other organized youth groups may also request funding from the YAR board. In order to manage the grant and provide reports to the Nebraska Crime Commission, a grant manager is hired whom also is our YAR Coordinator. There are also two teen representatives from each of the six high schools located in Holt County. They are asked to be present when a YAR project is being presented and evaluated. If they are unable to attend the meeting, they email or fax a critique of the project going to be presented.

Priority 2: Unified Management of Court Ordered Community Service Hours

The County will continue to employ a Community Services Coordinator by utilizing the juvenile services county aid funding. The Coordinator works approximately 342 hour per year. The Coordinator supervises

HOLT COUNTY JUVENILE SERVICES COMPREHENSIVE PLAN

court-ordered youth for their community service requirement. The youth are offered the opportunity to participate in the YAR KISS Club program for court ordered youth. Two choices are given: (A) mixing non-court ordered youth from the community with court-ordered youth in a Club; (B) court-ordered youth will complete a service-learning project.

Priority 3: Impact School and Community Connectivity

The O'Neill Public Schools staff will be referring more students to the program this school year for students in K-12. The Coordinator is aggressively encouraging all schools in Holt County to make referrals to the TeamMates program. The Coordinator will be meeting with each school's administration to encourage them to refer students and to provide in-kind services of copies and supplies. The Coordinator will match the mentee to the mentor as well as providing training to the mentors and explains the program to the mentees.